

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ACCESS INTEGRATED NETWORKS,  
 Inc., A Georgia Corporation,

Plaintiff,

v.

CONSUMER DIRECT OF AMERICA,  
 a Nevada corporation.

Defendant.

2:06-CV-594-BES-RJJ

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#19) ("Recommendation") entered on March 11, 2008, in which the Magistrate Judge recommends that this Court enter an order granting Plaintiff's Application for Entry of Default Judgment (Doc #9) in the amount of \$2,358,752.54. The Magistrate Judge also recommended that the District Court adopt the Findings of Fact and Conclusions of Law attached to the Report and Recommendation. No objection to the Report and Recommendation has been filed.

**I. DISCUSSION**

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."<sup>1</sup> *Id.* Nevertheless,

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<sup>1</sup> For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 the statute does not “require[ ] some lesser review by [this Court] when no objections are filed.”  
2 Thomas v. Arn, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not  
3 required to conduct “any review at all . . . of any issue that is not the subject of an objection.”  
4 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to  
5 review a magistrate judge’s report and recommendation where no objections have been filed.  
6 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
7 of review employed by the district court when reviewing a report and recommendation to which  
8 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.  
9 Ariz. 2003) (reading the Ninth Circuit’s decision in Reyna-Tapia as adopting the view that  
10 district courts are not required to review “any issue that is not the subject of an objection.”).  
11 Thus, if there is no objection to a magistrate judge’s recommendation, then this Court may  
12 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226  
13 (accepting, without review, a magistrate judge’s recommendation to which no objection was  
14 filed).

15 In this case, Defendant has not filed an objection to the Magistrate Judge’s Report and  
16 Recommendation. Although no objection was filed, this Court has reviewed the Report and  
17 Recommendation, and accepts it. Accordingly,

18 IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and  
19 Recommendation (#19) entered on March 11, 2008, is adopted and accepted without  
20 modification. The Court also accepts the Findings of Fact and Conclusions of Law attached  
21 to the Report and Recommendation. Thus, in accordance with the Report and  
22 Recommendation,

23 IT IS HEREBY ORDERED that Plaintiff is entitled to recover a total of \$2,358,752.54  
24 for its reasonable damages in this matter. The amount of \$1,832,355.00 is attributable to a  
25 44.1% paid by Access in damages arising out of Defendants misconduct, and \$526,397.54  
26 is attributable to a 44.1% amount paid in attorneys’ fees and costs in resolving this matter.

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1 IT IS FURTHER ORDERED that Plaintiff's Application for Entry of Default Judgment  
2 (Doc #9) is GRANTED in the amount of \$2,358,752.54. The Clerk of the Court shall enter  
3 judgment accordingly in favor of Plaintiffs Access Integrated Networks, Inc., and against  
4 Defendant Consumer Direct of America. The Clerk of the Court shall Close this case.

5 IT IS SO ORDERED.

6 DATED: This 25<sup>th</sup> day of March, 2008.

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10 UNITED STATES DISTRICT JUDGE  
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